10/511943

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Practitioner's Docket No. <u>U 015420-7</u>

Optional Customer No. Bar Code

PATENT TRADEMARK OFFICE

CHAPTER II

TRANSMITTAL LETTER TO THE UNITED STATES ELECTED OFFICE (EO/US) (ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

INTERNATIONAL APPLICATION NO. PCT/FI03/00306

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

16 APRIL 2003

19 APRIL 2002

TITLE OF INVENTION

SPRAYING METHOD AND APPARATUS

APPLICANT(S)

TIMO MAHLANEN

Mail Stop PCT Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

ATTENTION: EO/US

NOTE:

To avoid abandonment of the application, the applicant shall furnish to the USPTO, not later than the expiration of 30 months from the priority date: (1) a copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the USPTO; and (2) the basic national fee (see 37 C.F.R. § 1.492(a)). The 30-month time limit may not be extended. 37 C.F.R. § 1.495(a) and (b).

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date October 19, 2004, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV 481671013 US, addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

GERALDINE MARTI

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING:

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING:

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US)—page 1 of 10) 13-18

EXPRESS MAIL LABEL NO.: EV 481671013 US

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WARNING:

Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 <u>must</u> be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C.F.R. §1.8.

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f).

- 1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
 - a. [X] This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
 - b. [X] The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:
 - c. [] ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

2. Fees

CLAIMS FEE *	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS*	1020 =	4	x \$18.00 =	s
	INDEPENDENT CLAIMS*	1 -3=		x \$88.00 =	
	MULTIPLE DEPENI	DENT CLAIM(S) (ii	applicable) + \$2	90.00	NOT PAID AT THIS TIME
BASIC FEE**	EXAMINATI Where an Inte 1.482 has bee PTO: [] and that obv Art: pre: CF [] and 1.44 \$75 [X] U.S. PTO WA EXAMINATI Where no inte in § 1.482 has international s PTO: [] has \$79 [X] has \$1, [] whe beer Japa	AS INTERNATIONAL ON AUTHORITY renational preliminary in paid on the internat the international preliminary in paid on the international preliminary in paid on the international preliminary of the asserted in the application of the above requireme (P2(a)(1)) AS NOT INTERNATION AUTHORITY renational preliminary is been paid to the U.S. earch fee as set forth the paid (37 CFR 10.00 onto been paid (37 CFR 10.00 on prepared by the Euranese Patent Office (3)	examination fee as ional application to iminary examination y, inventive step (no ial activity, as defin been satisfied for al on entering the natisfied on entering the natisfied on the are not met (37 IONAL PRELIMITY examination fee as PTO, and payment in § 1.445(a)(2) to 4.492(a)(2))	set forth in § the U.S. on report states on- ed in PCT Il the claims onal stage (37 CFR NARY set forth at of an the U.S. oplication has e or the	
	D 1 4: 1 4: 6 51:	1 11 11 11 12		ove Calculations	= \$1,110.00
SMALL ENTITY	Reduction by ½ for filing filed. (note 37 CFR 1.9,		plicable. Statement	may also be	- 555.00
				Subtotal	
			Te	otal National Fee	\$ 555.00
	Fee for recording the end 1.21(h)). (See Item 13 b SHEET".				
TOTAL			To	tal Fees enclosed	\$ 555.00

^{*}May include Preliminary Amendment (see page 8) reducing the number of claims.\

	ii.	[] A dup		se charge Account No. <u>12-0425</u> in the amount of \$ copy of this sheet is enclosed.
**WAR	VING:	Tradem	ark Offic	donment of the application the applicant shall furnish to the United States Patent and ce not later than the expiration of 30 months from the priority date: * * * (2) the basic $\xi = 1.492(a)$. The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).
WARNII	VG:	submitte met with forth in months accepta comply	ed by the sin a time § 1.492(after the nce of ar with thes	n of the international application and/or the oath or declaration have not been applicant within thirty (30) months from the priority date, such requirements may be e period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set (e) is required as a condition for accepting the oath or declaration later than thirty (30) a priority date. The payment of the processing fee set forth in § 1.492(f) is required for a English translation later than thirty (30) months after the priority date. Failure to see requirements will result in abandonment of the application. The provisions of § 1.136 is ind which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.
	[X]	Assert	ion of S	Small Entity Status
	[X]	Applic [] [X]	a Sta	reby asserts status as a small entity under 37 C.F.R. § 1.27 by. stement or Written Assertion attached. ayment
NOTE:				with the assertion of small entity status, whether by a written specific declaration thereof entity of the basic filing fee or the fee for the entry into the national phase as states:
		should i entity s establisi entitlem	nake a d tatus ba h small e ent to sn	small entity status. Any party (person, small business concern or nonprofit organization) letermination, pursuant to paragraph (f) of this section, of entitlement to be accorded small used on the definitions set forth in paragraph (a) of this section, and must, in order to entity status for the purpose of paying small entity fees, actually make an assertion of nall entity status, in the manner set forth in paragraph (c)(1) or (c)(3) of this section, in the atent in which such small entity fees are to be paid.
		(1)		tion by writing. Small entity status may be established by a written assertion of entitlement all entity status. A written assertion must:
			(i)	Be clearly identifiable;
			(ii)	Be signed (see paragraph (c)(2) of this section); and

A check in the amount of \$555.00 to cover the above fees is enclosed.

i.

[X]

(iii)

(2) Parties who can sign and file the written assertion. The written assertion can be signed by:

to comply with the assertion requirement.

One of the parties identified in §§ 1.33(b) (e.g., an attorney or agent registered with the (i) Office), §§ 3.73(b) of this chapter notwithstanding, who can also file the written

Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order

(ii) At least one of the individuals identified as an inventor (even though a §§ 1.63 executed oath or declaration has not been submitted), notwithstanding §§ 1.33(b)(4), who can also file the written assertion pursuant to the exception under §§ 1.33(b) of this part;

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- (iii) An assignee of an undivided part interest, notwithstanding $\S\S$ 1.33(b)(3) and 3.773(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under $\S\S$ 1.33(b) of this part.
- (3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4) or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.
 - (i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in §§ 1.16(e) or §§ 1.16(l).
 - (ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."
- 3. [X] A copy of the International application as filed (35 U.S.C. 371(c)(2)):

NOTE: Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

	a.	[] is transmitted herewith.
	b.	[] is not required, as the application was filed with the United States Receiving
		Office.
	c.	[X] has been transmitted
		i. [X] by the International Bureau.
		Date of mailing of the application (from form PCT/IB/308): 23 OCTOBER
		<u>2003</u> .
		ii. [] by applicant on
		Date
1.	[X]	A translation of the International application into the English language (35 U.S.C.
		371(c)(2)):
	a.	[] is transmitted herewith.
	b.	[X] is not required as the application was filed in English.
	c.	was previously transmitted by applicant on
		Date
	d.	[] will follow.

NOTE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits... a translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2))... applicant will be so notified and given a period of time within which to file the translation... in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of thirty months after the priority date.... A 'Sequence Listing' need not be translated if the "Sequence Listing' complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b)."

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5.	[X]		ments to the claims of the International application under PCT Article 19 (35 371(c)(3)):
NOTE:	practic may no of the P section	e that PCT t be extende CT Article 1.121. In m	ary 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing Article 19 amendments must be submitted by 30 months from the priority date and this deadlined. The Notice further advises that: "The failure to do so will not result in loss of the subject matter 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed undersary cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic ected." 1147 O.G. 29-40, at 36.
NOTE:	amendr thirty m	nents into E conths from	d): "A copy of any amendments to the claims made under PCT Article 19, and a translation of those inglish, if they were made in another language, must be furnished not later than the expiration of the priority date. Amendments under PCT Article 19 which are not received by the expiration of the priority date will be considered to be canceled."
	a.	[]	are transmitted herewith.
	b.	[]	have been transmitted
		i.	[] by the International Bureau.
			Date of mailing of the amendment (from form PCT/IB/308):
		ii.	[] by applicant on
	_	[X]	Date have not been transmitted as
	c.	i.	[X] applicant chose not to make amendments under PCT Article 19.
		1.	Date of mailing of Search Report (from form PCT/ISA/210): 10 JULY 2003.
		ii.	[] the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6.	[X]	A trans 371(c)(elation of the amendments to the claims under PCT Article 19 (38 U.S.C. (3)):
	a.	[]	is transmitted herewith.
	b.	[]	will follow
	c.	[]	is not required as the amendments were made in the English language.
	d.	[X]	has not been transmitted for reasons indicated at point 5(c) above.
7.	[X]	А сору	of the international examination report (PCT/IPEA/409)
		[X]	is transmitted herewith.
		[]	is not required as the application was filed with the United States Receiving Office.
8.	[]	Annex(es) to the international preliminary examination report
	a.	[]	is/are transmitted herewith.
	b.	[]	is/are not required as the application was filed with the United States
			Receiving Office.

9.	[]	A trans	slation of the annexes to the international preliminary examination report
NOTE:	(if applic months f from the	cable), if the property decrease of the proper	(e) "A translation into English of any annexes to an international preliminary examination report to annexes were made in another language, must be furnished not later than the expiration of thirty riority date. Translations of the annexes which are not received by the expiration of thirty months ate may be submitted within any period set pursuant to paragraph (c) of this section accompanied fee set forth in § 1.492(f). Annexes for which translations are not timely received will be considered
	a. b.	[]	is transmitted herewith. is not required as the annexes are in the English language.
10.	[X]	An oat	h or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35
	a.	[]	was previously submitted by applicant on
	1	r 1	
	b.	į]	is submitted herewith, and such oath or declaration
		i.	[] is attached to the application.
		ii.	[] identifies the application and any amendments under PCT Article 19
			that were transmitted as stated in points 3(b) or 3(c) and 5(b); and
			states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
	_	rvi	
	c.	[X]	will follow.
NOTE:	the prior declarate applicate notified of the ap	rity date b ion of inv ion under and given oplication	c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from out omits the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a ventorship in compliance with § 1.497 has not been previously submitted in the international PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so a period of time within which to file the oath or declaration in order to prevent abandonment The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or inventor later than the expiration of thirty months after the priority date."
Other o	locumen	t(s) or in	nformation included:
11.	[X]	An Into	ernational Search Report (PCT/ISA/210) or Declaration under PCT Article
	a.	[X] ^	is transmitted herewith.
	b.	[]	has been transmitted by the International Bureau.
			Date of mailing (from form PCT/IB/308):
	c.	[]	is not required, as the application was searched by the United States
			International Searching Authority.
	d.	[]	will be transmitted promptly upon request.
	e.	[]	has been submitted by applicant on
			Daile
12.	[X]	An Info	ormation Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
	a.	[X]	is transmitted herewith.
			Also transmitted herewith is/are:
		[X]	Form PTO-1449 (PTO/SB/08A and 08B).
		[X]	Copies of citations listed.
	b.	[]	will be transmitted within THREE MONTHS of the date of submission of
			requirements under 35 U.S.C. 371(c).
	c.	[]	was previously submitted by applicant on

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Date

6373	
[X]	Additional documents: [] Copy of request (PCT/RO/101)
a. b.	[] Copy of request (PCT/RO/101) [X] International Publication No. WO 03/089780 A1
U.	i. [X] Specification, claims and drawing
	ii. [] Front page only
c.	Preliminary amendment (37 C.F.R. § 1.121)
d.	[X] Other
	FORM PCT/IB/306
	FORM PCT/IB/308
	FORM PCT/IB/332
[X]	The above checked items are being transmitted
a.	[X] before 30 months from any claimed priority date.
b.	[] after 30 months.
[]	Certain requirements under 35 U.S.C. 371 were previously submitted by the
	applicant on
	, namely:

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- [X] The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425 .
 - [X] 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)

WARNING: Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

- [] 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)
- NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.
 - [X] 37 C.F.R. 1.17 (application processing fees)
 - [X] 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
 - [X] 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).
- NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application... prior to paying, or at the time of paying... issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.
 - [] 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).
 - [X] Please credit any overpayments to deposit account 12-0425.

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Reg. No.: 25,858

Tel. No.: (212)708-1930

Customer No.: .00140

PATENT TRADEMARK OFFICE

WILLIAM R. EVANS
(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP 26 West 61st Street New York, N.Y. 10023